

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

AETNA LIFE INSURANCE COMPANY \*

\*

Plaintiff \*

\*

V. \*

No. 3:14-CV-00347-M

\*

METHODIST HOSPITALS OF DALLAS \*

*et al.* \*

\*

\*

Defendants \*

**DECLARATION OF WILLIAM J. MAIBERGER, JR.**

I, William J. Maiberger, Jr., do hereby declare and state under oath as follows:

1. “My name is William J. Maiberger, Jr. All of the factual statements in this declaration are personally known to me and are true and correct.

2. “I am over the age of 18 and am competent to make this declaration.

3. “I am a partner in Watts Guerra, LLP. In that capacity, I am an attorney for the Defendants in Cause No. 3:14-CV-00347-M.

4. “Attached to this declaration as Exhibit A are true and correct copies of excerpts of the transcript of the October 10, 2014 deposition of David Roberts.

5. “Attached to this declaration as Exhibit B are true and correct copies of excerpts of the transcript of the October 10, 2014 deposition of Robyn Consiglio.

6. “Attached to this declaration as Exhibit C are true and correct copies of Explanations of Benefits provided by Aetna to the providers who are the

Defendants in this matter. Where necessary, private health information concerning the individuals whose medical treatment is described in those documents has been redacted.

7. “Attached to this declaration as Exhibit D is a true and correct copy of the Original Answer of Aetna Health, Inc. in Cause No. 17-269305-13, *Texas Health Resources v. Aetna Health, Inc.*, filed on December 13, 2013 in the 17<sup>th</sup> Judicial District Court of Tarrant County, Texas. The claims at issue in that lawsuit include claims seeking the recovery of statutory penalties contemplated by Chapter 1301 of the Texas Insurance Code; specifically, those claims seek recovery of the penalties for late payment of adjudicated claims for the provision of health care services allowed by Section 1301.137 of the Insurance Code. Despite the presence of those claims in the Tarrant County action, Aetna Health’s original answer includes only a general denial of the claims made by Texas Health Resources and does not include any contention of a defect in the parties.

8. “I declare under the penalty of perjury that the foregoing is true and correct.”

Executed on December 18, 2014

  
\_\_\_\_\_  
William J. Maiberger, Jr.

NO. 17-269305-13

TEXAS HEALTH RESOURCES, ) IN THE DISTRICT COURT

)

Plaintiff

)

)

VS.

) 17TH JUDICIAL DISTRICT

)

AETNA HEALTH, INC.,

)

)

Defendant

) TARRANT COUNTY, TEXAS

---

ORAL AND VIDEOTAPED DEPOSITION OF

DAVID ROBERTS

OCTOBER 10, 2014

Volume 1

---

ORAL AND VIDEOTAPED DEPOSITION OF DAVID ROBERTS, produced as a witness at the instance of the PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on OCTOBER 10, 2014, from 9:46 a.m. to 11:08 a.m., before STEFANIE COX, CSR in and for the State of Texas, reported by machine shorthand, at the law offices of Andrews Kurth, L.L.P., 1717 Main Street, Suite 3700, Dallas, Texas 75201, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto.

Worldwide Court Reporters, Inc.  
(800) 745 - 1101

EXHIBIT

A

-000003

1 document that covers both or one or the other, you're  
2 just not 100 percent sure as you sit here right now?

3 A. Correct.

4 Q. Is that fair?

5 A. Fair.

6 Q. Okay. Now, as far as -- let's just talk about  
7 PPO claims first. As far as PPO claims are concerned,  
8 when THR submits a PPO claim to Aetna Health, Inc.,  
9 pursuant to that -- pursuant to whatever contract it is  
10 that we have in this case that allows that to happen,  
11 let's just assume for the purposes of our discussion  
12 that Exhibit 1 is the contract that allows that.

13 Okay?

14 A. Okay.

15 Q. And I'm not saying that it is. I'm just  
16 saying just so we can have something to refer to.

17 That is THR submitting claims for payment  
18 to Aetna Health, Inc., correct?

19 MR. REID: Objection to form.

20 A. I think the -- the answer to that is there --  
21 the contract is with Aetna Health, Inc., and its  
22 affiliates. And in claim submission, we may ask a  
23 provider to submit claims to various pay points, which  
24 would be Aetna Health, Inc., and others.

25 Q. Okay. Let me ask you this way: So Aetna

1 Health, Inc., though, is the legal entity that my client  
2 has a contract with, correct?

3 A. Correct. Correct.

4 Q. Okay. So if when you say "we may ask a  
5 provider," so I think what you're saying is we being  
6 Aetna Health, Inc., because that's the entity that my  
7 client is contracted with, may ask my client, THR, to  
8 submit claims to a different entity --

9 A. Different Aetna entity.

10 Q. -- different Aetna entity pursuant to the  
11 contract between THR and Aetna Health, Inc.?

12 A. Yes.

13 Q. Okay. And I would imagine that in those  
14 situations, providers like my client, THR, would comply  
15 with that request?

16 A. Yes.

17 Q. Okay. Now, in this situation, THR and Aetna  
18 Health, Inc., had this contract that we've been talking  
19 about.

20 Does Aetna Health, Inc., have a contract  
21 or contracts with another Aetna entity that obligates  
22 that other Aetna entity to process these PPO claims and  
23 pay them?

24 MR. REID: Objection. Form.

25 A. I'm not sure I understand the question.

1 Q. (BY MR. MAIBERGER) Okay. Let me ask you this  
2 way: My understanding is -- and I could be wrong, too.  
3 But my understanding is that for either PPO or HMO  
4 claims, I'm not sure which one, that Aetna Life  
5 Insurance Company is actually the entity that processes  
6 and, you know, decides how much is going to get paid and  
7 when it gets paid and actually pays the claims.

8 Is that -- is that true for either PPO  
9 claims or HMO claims or both as it pertains to THR?

10 MR. REID: Objection, form.

11 A. Aetna Health, Inc., is a legal entity that  
12 sells HMO based products. Aetna life is a PPO based  
13 product --

14 Q. Okay.

15 A. -- and sells products under that license, but  
16 both of which would be covered under this contract.

17 Q. Okay. So the contract between THR and Aetna  
18 Health, Inc., whatever claims are submitted by my  
19 client, THR, are submitted to Aetna Health, Inc.,  
20 pursuant to that contract, right?

21 A. Correct.

22 Q. Okay. And then on the P- -- in the PPO  
23 setting, Aetna Health, Inc., has some sort of an  
24 agreement with Aetna Life Insurance Company for Aetna  
25 Life Insurance Company to process those PPO claims, you

1 know, determine how much is going to get paid and when  
2 it gets paid, then does Aetna Health -- excuse me. Let  
3 me start over. That was -- I messed myself up there.

4 Just in the PPO setting, my client, THR,  
5 has a contract with Aetna Health, Inc., and it submits  
6 claims for payment to Aetna Health, Inc., pursuant to  
7 that contract, right?

8 A. Right.

9 Q. Okay. And Aetna Health, Inc., has some sort  
10 of an agreement with Aetna Life Insurance Company for  
11 Aetna Life Insurance Company to perform some type of  
12 work or services pursuant to those claims, right?

13 MR. REID: Objection to the form.

14 A. Yes. The -- though I may have confused the  
15 issue. But while there are two legal entities in which  
16 we operate, much of the administration is housed in one  
17 location, meaning that a person would potentially pay an  
18 HMO claim and a PPO claim in that same department.

19 Q. Let me -- let me go -- let me go the other way  
20 and see if we can back into it this way.

21 When -- when my client, THR, gets paid on  
22 a PPO claim, does the payment come from Aetna Health,  
23 Inc., or from Aetna Life Insurance Company, or from --  
24 from some other entity?

25 A. I don't know.

1 Q. Okay. When my client gets paid on a -- on an  
2 HMO claim, does that payment come from Aetna Health,  
3 Inc., Aetna Life Insurance Company, or from some other  
4 entity?

5 A. It would be Aetna Health.

6 Q. Okay. So in the HMO setting, you know that  
7 Aetna Health, Inc., is the company or is the entity  
8 that's making the payment to my client?

9 A. Right.

10 Q. But in the PPO setting, you're not sure if  
11 it's Aetna Health, Inc., or Aetna Life Insurance  
12 Company, or some other legal entity?

13 A. It would be on EOBs, but I don't look at those  
14 often enough to know that answer.

15 Q. No. That's fine.

16 And as you -- I'm just saying, as you sit  
17 here, you just don't know for sure?

18 A. Right.

19 Q. Are you pretty confident that it would either  
20 be, again, in the PPO setting the payment would come  
21 from either Aetna Health, Inc., or Aetna Life Insurance  
22 Company?

23 MR. REID: Objection to form.

24 A. Yes.

25 Q. (BY MR. MAIBERGER) Okay. Okay. So I think

1       why I'm thinking that these questions were something  
2       that you would be here to testify about today. But if  
3       you're not, that's fine, too. Just tell me. I'm not  
4       trying to make you guess anything or, you know, tell me  
5       something you don't know.

6           A. I did not -- I don't have the knowledge of how  
7       the inner workings of these two companies work together.  
8       I understand the contractual component and what's  
9       expected from a claim submission standpoint and that  
10      payment is due from Aetna. Whether that is from Aetna  
11      Health or one of its other subsidiaries, I don't have  
12      all that legal connection in my head in terms of how  
13      those EOBs may have Aetna labels on them coming back to  
14      THR in this case.

15                   In other words, does it say Aetna Health  
16      in one case and Aetna Life Insurance in another or Aetna  
17      something else in other scenarios, I don't have that  
18      level of detail.

19           Q.    Okay.

20           A.    Robyn may have that.

21           Q.    Okay. That's fine. That's -- that's --  
22      that's as good of an answer as -- you know, as if you  
23      did know. I just want to know what you know and what  
24      you don't know.

25                   So one thing I think that we have

1 established though is that whether it's an HMO claim or  
2 PPO claim that my client, THR, when it submits a claim,  
3 it's being submitted to Aetna Health, Inc., pursuant to  
4 the contract that we've been talking about, right?

5 A. Right.

6 Q. Okay. And then the HMO, I think we've pretty  
7 much taken care of that. I think that's clear.

8 But as far as the PPO is concerned, that's  
9 where you're not -- you're not completely familiar with  
10 all of the workings between, for example, Aetna Health,  
11 Inc., and Aetna Life Insurance Company, and possibly  
12 some other Aetna entity, right?

13 A. Correct.

14 Q. Okay. Now, let me ask you this, and, again,  
15 this may be something that you may need to defer to  
16 somebody else on: But are you aware of there being any  
17 direct contractual relationship between my client, THR,  
18 and any other Aetna entity besides Aetna Health, Inc.?

19 MR. REID: Objection to form.

20 You can answer if you know.

21 A. I don't know for sure. I would suspect that  
22 there are contracts between Texas Health Resources and  
23 our Medicaid business operation and there may be others.

24 Q. (BY MR. MAIBERGER) Okay. Let me see if I can  
25 limit that question. That was kind of a broad question.

1 Are you aware of there being any direct  
2 contractual relationship between THR and any other Aetna  
3 entity besides Aetna Health, Inc., for the submission of  
4 claims for payment for services performed by THR like  
5 the ones we've been talking about that are submitted  
6 pursuant to Exhibit No. 1?

7 A. I'm not aware that there are any contracts  
8 outside of this for commercial business.

9 Q. Okay. For commercial business, that's a good  
10 way to put it.

11 So for commercial business, you're not  
12 aware of there being any contracts between THR and some  
13 other Aetna entity besides Aetna Health, Inc., which is  
14 the contract we have here in front of us, right?

15 A. I'm going through these exceptions in my head  
16 to try to answer as best I can. The only question that  
17 comes to my mind is whether there is a -- an agreement  
18 between THR and the behavioral health arm of Aetna, but  
19 I don't know that for sure.

20 Q. Okay. When you -- let me just ask you about  
21 that just a little bit.

22 Behavioral health arm of Aetna, what --  
23 would there be claims that could be submitted by THR to  
24 Aetna for those types of -- or that type of treatment?

25 A. I'll answer more generally.

1 NO. 17-269305-13  
 2 TEXAS HEALTH RESOURCES, ) IN THE DISTRICT COURT  
 )  
 3 Plaintiff )  
 )  
 4 VS. ) 17TH JUDICIAL DISTRICT  
 )  
 5 AETNA HEALTH, INC., )  
 )  
 6 Defendant ) TARRANT COUNTY, TEXAS

7  
 8 REPORTER'S CERTIFICATION  
 9 VIDEOTAPED DEPOSITION OF DAVID ROBERTS  
 10 OCTOBER 10, 2014  
 11

12 I, STEFANIE COX, Certified Shorthand Reporter in  
 13 and for the State of Texas, hereby certify to the  
 14 following:

15 That the witness, DAVID ROBERTS, was duly sworn by  
 16 the officer and that the transcript of the videotaped  
 17 oral deposition is a true record of the testimony given  
 18 by the witness;

19 That the deposition transcript was submitted on  
 20 \_\_\_\_\_ to the attorney for Defendant,  
 21 Mr. Mitch Reid, Andrews Kurth, L.L.P., 1717 Main Street,  
 22 Suite 3700, Dallas, Texas 75201, for examination,  
 23 signature and return to me by \_\_\_\_\_;

24 That the amount of time used by each party at the  
 25 deposition is as follows:

1 Mr. William J. Maiberger, Jr. - 01 HOURS:11  
MINUTE(S)

2 Mr. Mitch A. Reid - 00 HOURS:00 MINUTE(S)

3 That pursuant to information given to the  
4 deposition officer at the time said testimony was taken,  
5 the following includes counsel for all parties of  
6 record:

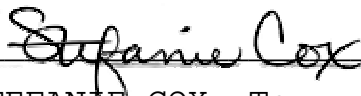
7 Mr. William J. Maiberger, Jr., Attorney for  
Plaintiff;

8 Mr. Mitch A. Reid, Attorney for Defendant.

9 I further certify that I am neither counsel for,  
10 related to, nor employed by any of the parties or  
11 attorneys in the action in which this proceeding was  
12 taken, and further that I am not financially or  
13 otherwise interested in the outcome of the action.

14 Further certification requirements pursuant to Rule  
15 203 of TRCP will be certified to after they have  
16 occurred.

17 Certified to by me this 20th of October, 2014.

18  
19  
20   
STEFANIE COX, Texas CSR 5384  
21 Expiration Date: 12/31/15  
22 Firm Registration No. 235  
WORLDWIDE COURT REPORTERS, INC.  
23 3000 Weslayan  
Suite 235  
24 Houston, Texas 77027  
(713) 572-2000  
25



NO. 17-269305-13

TEXAS HEALTH RESOURCES,	)	IN THE DISTRICT COURT
	)	
Plaintiff	)	
	)	
VS.	)	17TH JUDICIAL DISTRICT
	)	
AETNA HEALTH, INC.,	)	
	)	
Defendant	)	TARRANT COUNTY, TEXAS

---

ORAL AND VIDEOTAPED DEPOSITION OF  
ROBYN CONSIGLIO  
OCTOBER 10, 2014  
Volume 1

---

ORAL AND VIDEOTAPED DEPOSITION OF ROBYN CONSIGLIO, produced as a witness at the instance of the PLAINTIFF, and duly sworn, was taken in the above-styled and numbered cause on OCTOBER 10, 2014, from 11:24 a.m. to 12:30 p.m., before STEFANIE COX, CSR in and for the State of Texas, reported by machine shorthand, at the law offices of Andrews Kurth, L.L.P., 1717 Main Street, Suite 3700, Dallas, Texas 75201, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto.

1 Pay Act discussion off the table for a moment.

2 But as far as the actual processing of the  
3 claims is concerned, does Aetna process -- and I think I  
4 may have asked you this. I just want to make sure.

5 Has Aetna -- does Aetna process the claims  
6 the same way whether it's a fully insured claim or a  
7 self-funded claim?

8 MR. REID: Objection to form.

9 A. To my knowledge, yes.

10 Q. (BY MR. MAIBERGER) Okay. With regard to the  
11 PPO claims that -- that I talked about, the examples I  
12 gave, some of the examples I gave with Mr. Roberts, are  
13 you aware of where the payment comes from on a PPO claim  
14 submitted by a provider to Aetna?

15 Does it -- does it come from Aetna Health,  
16 Inc., or does it come from Aetna Life Insurance Company,  
17 or does it just come from Aetna, as far as you -- as far  
18 as you know?

19 A. As far as I know, it just comes from Aetna  
20 Life Insurance Company. I do know that it will specify  
21 on explanation of benefits that it -- it lists the  
22 company name.

23 Q. Whatever entity that the money is coming from?

24 A. Yes.

25 Q. Okay. Is there a name for the system that the

1 NO. 17-269305-13  
 2 TEXAS HEALTH RESOURCES, ) IN THE DISTRICT COURT  
 )  
 3 Plaintiff )  
 )  
 4 VS. ) 17TH JUDICIAL DISTRICT  
 )  
 5 AETNA HEALTH, INC., )  
 )  
 6 Defendant ) TARRANT COUNTY, TEXAS

7  
 8 REPORTER'S CERTIFICATION  
 9 VIDEOTAPED DEPOSITION OF ROBYN CONSIGLIO  
 10 OCTOBER 10, 2014  
 11

12 I, STEFANIE COX, Certified Shorthand Reporter in  
 13 and for the State of Texas, hereby certify to the  
 14 following:

15 That the witness, ROBYN CONSIGLIO, was duly sworn  
 16 by the officer and that the transcript of the videotaped  
 17 oral deposition is a true record of the testimony given  
 18 by the witness;

19 That the deposition transcript was submitted on  
 20 \_\_\_\_\_ to the attorney for Defendant,  
 21 Mr. Mitch Reid, Andrews Kurth, L.L.P., 1717 Main Street,  
 22 Suite 3700, Dallas, Texas 75201, for examination,  
 23 signature and return to me by \_\_\_\_\_;

24 That the amount of time used by each party at the  
 25 deposition is as follows:

1 Mr. William J. Maiberger, Jr. - 00 HOURS:45  
MINUTE(S)

2 Mr. Mitch A. Reid - 00 HOURS:00 MINUTE(S)

3 That pursuant to information given to the  
4 deposition officer at the time said testimony was taken,  
5 the following includes counsel for all parties of  
6 record:

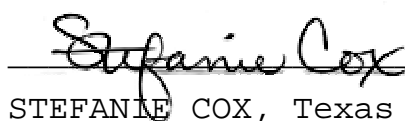
7 Mr. William J. Maiberger, Jr., Attorney for  
Plaintiff;

8 Mr. Mitch A. Reid, Attorney for Defendant.

9 I further certify that I am neither counsel for,  
10 related to, nor employed by any of the parties or  
11 attorneys in the action in which this proceeding was  
12 taken, and further that I am not financially or  
13 otherwise interested in the outcome of the action.

14 Further certification requirements pursuant to Rule  
15 203 of TRCP will be certified to after they have  
16 occurred.

17 Certified to by me this 20th of October, 2014.

18  
19  
20   
STEFANIE COX, Texas CSR 5384

21 Expiration Date: 12/31/15

22 Firm Registration No. 235

WORLDWIDE COURT REPORTERS, INC.

23 3000 Weslayan

Suite 235

24 Houston, Texas 77027

(713) 572-2000



## FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition was/was not returned to the deposition officer on \_\_\_\_\_;

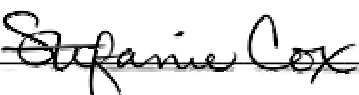
If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

If returned, the original deposition was delivered to Mr. William J. Maiberger, Jr., Custodial Attorney;

That \$\_\_\_\_\_ is the deposition officer's charges to the Plaintiff for preparing the original deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein on and filed with the Clerk.

Certified to by me this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

  
\_\_\_\_\_

STEFANIE COX, Texas CSR 5384

Expiration Date: 12/31/15

Firm Registration No. 235

WORLDWIDE COURT REPORTERS, INC.

3000 Weslayan

Suite 235

Houston, Texas 77027

(713) 572-2000

AETNA  
151 FARMINGTON AVENUE  
HARTFORD CT 06156

PAGE 9  
EDI Batch # 00912552

TEXAS HEALTH SYSTEM  
PO BOX 910115  
DALLAS TX 75391-0115

Payer ID: 1066033492  
Provider ID: 443912050  
Adjudication Cycle End Date: 08/13/2009  
DRG CODE

Check Date: 08/19/2009  
Tax Identification Number: [REDACTED]  
Check Number: 809225500001495  
Check Amount: \$92058.13  
Payment Method: ACH  
Payment Format Code: CCP  
Receiver ID Number: 330890223

ACCOUNT NO: [REDACTED]  
PATIENT: [REDACTED]  
CLAIM ID: [REDACTED]

PROVIDER: 443912050  
MEMBER ID: [REDACTED]

DATE RECEIVED: 07/08/2009  
CLAIM STATUS CODE: Processed as Primary  
PRODUCT TYPE: POS  
CLAIM ADJ CODES:

SER	DATE	POS	PROC	MOD	BILLED AMOUNT	DENIED AMOUNT	NONCOVERED AMOUNT	DED/COPAY AMOUNT	COINS AMOUNT	CONT ADJ AMOUNT	OTHER ADJ AMOUNT	PAID	REMARK
07/02/09	13		80048		211.75	0.00	0.00	0.00	34.41	39.69	0.00	137.65	CO45 PR2
07/02/09	13		85027		95.50	0.00	0.00	0.00	0.00	95.50	0.00	0.00	CO45
CLAIM TOTALS:					307.25	0.00	0.00	0.00	34.41	135.19	0.00	137.65	

REMARK CODE DESCRIPTIONS:

CO45 - U&C-Charges exceed your contracted/legislated fee arrangement.  
PR2 - Coinsurance Amount

The contents of this page may have been modified to include additional information required for electronic filing of this document.

EXHIBIT

C

AETNA  
151 FARMINGTON AVENUE  
HARTFORD CT 06156

PAGE 8  
EDI Batch # 00912552

TEXAS HEALTH SYSTEM  
PO BOX 910115  
DALLAS TX 75391-0115

Payer ID: 1066033492  
Provider ID: 443912050  
Adjudication Cycle End Date: 08/13/2009  
DRG CODE

Check Date: 08/19/2009  
Tax Identification Number: [REDACTED]  
Check Number: 809225500001495  
Check Amount: \$92058.13  
Payment Method: ACH  
Payment Format Code: CCP  
Receiver ID Number: 330890223

PROVIDER: 443912050  
MEMBER ID: [REDACTED]

DATE RECEIVED: 07/08/2009  
CLAIM STATUS CODE: Processed as Primary  
PRODUCT TYPE: POS  
CLAIM ADJ CODES:

SER	DATE	POS	PROC	MOD	BILLED AMOUNT	DENIED AMOUNT	NONCOVERED AMOUNT	DED/COPAY AMOUNT	COINS AMOUNT	CONT ADJ AMOUNT	OTHER ADJ AMOUNT	PAID	REMARK
07/02/09	13	J0690			21.65	0.00	0.00	0.00	2.42	9.53	0.00	9.70	CO45 PR2
07/02/09	13	Q0179			1.00	0.00	0.00	0.00	0.11	0.44	0.00	0.45	CO45 PR2
07/02/09	13	J7120			142.80	0.00	0.00	0.00	15.99	62.83	0.00	63.98	CO45 PR2
07/02/09	13	J3010			22.30	0.00	0.00	0.00	2.50	9.81	0.00	9.99	CO45 PR2
07/02/09	13	J2765			7.80	0.00	0.00	0.00	0.87	3.43	0.00	3.50	CO45 PR2
07/02/09	13	J2405			69.00	0.00	0.00	0.00	7.73	30.36	0.00	30.91	CO45 PR2
07/02/09	13	J2270			9.00	0.00	0.00	0.00	1.01	3.96	0.00	4.03	CO45 PR2
07/02/09	13	47562			3598.50	0.00	0.00	0.00	403.03	1583.34	0.00	1612.13	CO45 PR2
07/02/09	13	0250			330.21	0.00	0.00	0.00	36.98	145.29	0.00	147.94	CO45 PR2
07/02/09	13	0272			539.00	0.00	0.00	0.00	60.37	237.16	0.00	241.47	CO45 PR2
07/02/09	13	0270			156.00	0.00	0.00	0.00	17.47	68.64	0.00	69.89	CO45 PR2
07/02/09	13	0370			1413.75	0.00	0.00	0.00	158.34	622.05	0.00	633.36	CO45 PR2
07/02/09	13	0710			978.75	0.00	0.00	0.00	109.62	430.65	0.00	438.48	CO45 PR2
07/02/09	13	36415			13.00	0.00	0.00	0.00	0.00	13.00	0.00	0.00	CO97
07/02/09	13	93005			244.75	0.00	0.00	0.00	27.41	107.69	0.00	109.65	CO45 PR2
07/02/09	13	88304			90.25	0.00	0.00	0.00	10.11	39.71	0.00	40.43	CO45 PR2
07/02/09	13	82962			45.50	0.00	0.00	0.00	5.10	20.02	0.00	20.38	CO45 PR2
07/02/09	13	80076			307.75	0.00	0.00	0.00	34.47	135.41	0.00	137.87	CO45 PR2
CLAIM TOTALS:					7991.01	0.00	0.00	0.00	893.53	3523.32	0.00	3574.16	

## REMARK CODE DESCRIPTIONS:

CO45 - U&C-Charges exceed your contracted/legislated fee arrangement.  
PR2 - Coinsurance Amount  
CO97 - INCL-Payment is included in the allowance for the basic service/procedure.

The contents of this page may have been modified to include additional information required for electronic filing of this document.

AETNA  
151 FARMINGTON AVENUE  
HARTFORD CT 06156

PAGE 253  
EDI Batch # 01072738

TEXAS HEALTH HARRIS METHODIST H  
PO BOX 421837  
HOUSTON TX 77242-1837

Payer ID: 1066033492  
Provider ID: 699129380  
Adjudication Cycle End Date: 04/16/2012  
DRG CODE

Check Date: 04/20/2012  
Tax Identification Number: [REDACTED]  
Check Number: 812107520000846  
Check Amount: \$464986.01  
Payment Method: ACH  
Payment Format Code: CCP  
Receiver ID Number: 77458

PROVIDER: 699129380  
MEMBER ID: [REDACTED]

DATE RECEIVED: 02/07/2012  
CLAIM STATUS CODE: Processed as Primary  
PRODUCT TYPE: POS  
CLAIM ADJ CODES:

SER	DATE	POS	PROC	MOD	BILLED AMOUNT	DENIED AMOUNT	NONCOVERED AMOUNT	DED/COPAY AMOUNT	COINS AMOUNT	CONT ADJ AMOUNT	OTHER ADJ AMOUNT	PAID	REMARK
11/03/11	11	0111			2320.00	2320.00	0.00	0.00	0.00	0.00	0.00	0.00	COB8 PR119
11/05/11	11	0200			2980.00	0.00	0.00	0.00	2043.33	-18668.27	0.00	19604.94	CO94 PR2
11/05/11	11	0636			1232.34	0.00	0.00	0.00	0.00	1232.34	0.00	0.00	CO45
11/05/11	11	0360			9664.50	0.00	0.00	0.00	0.00	9664.50	0.00	0.00	CO45
11/05/11	11	0278			1490.00	0.00	0.00	0.00	0.00	1490.00	0.00	0.00	CO45
11/05/11	11	0250			924.46	924.45	0.01	0.00	0.00	0.00	0.00	0.00	PR119 PR96
11/05/11	11	0420			218.50	0.00	0.00	0.00	0.00	218.50	0.00	0.00	CO45
11/05/11	11	0258			200.00	0.00	0.00	0.00	0.00	200.00	0.00	0.00	CO45
11/05/11	11	0272			192.25	207.25	0.00	0.00	0.00	-15.00	0.00	0.00	CO94 PR119
11/05/11	11	0270			151.00	0.00	0.00	0.00	0.00	151.00	0.00	0.00	CO45
11/05/11	11	0637			2.00	0.00	0.00	0.00	0.00	2.00	0.00	0.00	CO45
11/05/11	11	0351			1773.75	0.00	0.00	0.00	0.00	1773.75	0.00	0.00	CO45
11/05/11	11	0370			2395.25	0.00	0.00	0.00	0.00	2395.25	0.00	0.00	CO45
11/05/11	11	0430			276.50	0.00	0.00	0.00	0.00	276.50	0.00	0.00	CO45
11/05/11	11	0300			15.25	0.00	0.00	0.00	0.00	15.25	0.00	0.00	CO45
11/05/11	11	0611			2158.00	0.00	0.00	0.00	0.00	2158.00	0.00	0.00	CO45
11/05/11	11	0730			283.25	0.00	0.00	0.00	0.00	283.25	0.00	0.00	CO45
11/05/11	11	0320			366.50	0.00	0.00	0.00	0.00	366.50	0.00	0.00	CO45
CLAIM TOTALS:					26643.55	3451.70	0.01	0.00	2043.33	1543.57	0.00	19604.94	

## REMARK CODE DESCRIPTIONS:

COB8 - Claim/service not covered/reduced because alternative services were available, a  
PR119 - OTHERA-Benefit maximum for this time period has been reached.  
CO94 - OTHERA-Processed in excess of charges.  
PR2 - Coinsurance Amount  
CO45 - U&C-Charges exceed your contracted/legislated fee arrangement.  
PR96 - NCOVA-NON COVERED CHARGES

AETNA  
151 FARMINGTON AVENUE  
HARTFORD CT 06156

PAGE 16  
EDI Batch # 01064842

TEXAS HEALTH HARRIS METHODIST H  
PO BOX 916063  
FORT WORTH TX 76191-6063

Payer ID: 1066033492  
Provider ID: 699129380  
Adjudication Cycle End Date: 03/01/2012  
DRG CODE

Check Date: 03/07/2012  
Tax Identification Number: [REDACTED]  
Check Number: 812061490003318  
Check Amount: \$208095.51  
Payment Method: ACH  
Payment Format Code: CCP  
Receiver ID Number: 77458

PROVIDER: 699129380  
MEMBER ID: [REDACTED]

DATE RECEIVED: 02/07/2012  
CLAIM STATUS CODE: Processed as Primary  
PRODUCT TYPE: POS  
CLAIM ADJ CODES:

SER	DATE	POS	PROC	MOD	BILLED AMOUNT	DENIED AMOUNT	NONCOVERED AMOUNT	DED/COPAY AMOUNT	COINS AMOUNT	CONT ADJ AMOUNT	OTHER ADJ AMOUNT	PAID	REMARK
11/05/11	11	0307			99.25	99.25	0.00	0.00	0.00	0.00	0.00	0.00	PI18
11/05/11	11	0301			906.75	906.75	0.00	0.00	0.00	0.00	0.00	0.00	PI18
11/05/11	11	0302			114.00	114.00	0.00	0.00	0.00	0.00	0.00	0.00	PI18
11/05/11	11	0305			610.25	610.25	0.00	0.00	0.00	0.00	0.00	0.00	PI18
11/05/11	11	0306			821.50	821.50	0.00	0.00	0.00	0.00	0.00	0.00	PI18
CLAIM TOTALS:					2551.75	2551.75	0.00	0.00	0.00	0.00	0.00	0.00	
PAT RESP: 0.00													

REMARK CODE DESCRIPTIONS:

PI18 - Duplicate claim/service.

The contents of this page may have been modified to include additional information required for electronic filing of this document.

AETNA  
151 FARMINGTON AVENUE  
HARTFORD CT 06156

PAGE 9  
EDI Batch # 00926222

TEXAS HEALTH SYSTEM  
PO BOX 910115  
DALLAS TX 75391-0115

Payer ID: 1066033492  
Provider ID: 443912050  
Adjudication Cycle End Date: 10/22/2009  
DRG CODE

Check Date: 10/28/2009  
Tax Identification Number: [REDACTED]  
Check Number: 809295450001411  
Check Amount: \$40523.81  
Payment Method: ACH  
Payment Format Code: CCP  
Receiver ID Number: 330890223

PROVIDER: 443912050  
MEMBER ID: [REDACTED]

DATE RECEIVED: 10/06/2009  
CLAIM STATUS CODE: Processed as Primary  
PRODUCT TYPE: POS  
CLAIM ADJ CODES:

SER	DATE	POS	PROC	MOD	BILLED AMOUNT	DENIED AMOUNT	NONCOVERED AMOUNT	DED/COPAY AMOUNT	COINS AMOUNT	CONT ADJ AMOUNT	OTHER ADJ AMOUNT	PAID	REMARK
08/26/09	11	0111			7693.00	33146.40	0.00	0.00	0.00	-26153.40	0.00	0.00	CO45 CO94 PI18 PR150
08/28/09	11	0209			2575.00	2575.00	0.00	0.00	0.00	0.00	0.00	0.00	PI18
08/28/09	11	0250			5797.83	5797.83	0.00	0.00	0.00	0.00	0.00	0.00	PI18
08/28/09	11	0259			18.00	18.00	0.00	0.00	0.00	0.00	0.00	0.00	PI18
08/28/09	11	0272			4509.50	0.00	0.00	0.00	0.00	4509.50	0.00	0.00	CO45
08/28/09	11	0360			24239.25	24239.25	0.00	0.00	0.00	0.00	0.00	0.00	PI18
08/28/09	11	0370			5274.25	5274.25	0.00	0.00	0.00	0.00	0.00	0.00	PI18
08/28/09	11	0390			1248.00	1248.00	0.00	0.00	0.00	0.00	0.00	0.00	PI18
08/28/09	11	0460			396.00	396.00	0.00	0.00	0.00	0.00	0.00	0.00	PI18
08/28/09	11	0636			1867.18	1867.18	0.00	0.00	0.00	0.00	0.00	0.00	PI18
08/28/09	11	0637			40.00	40.00	0.00	0.00	0.00	0.00	0.00	0.00	PI18
08/28/09	11	0710			978.75	978.75	0.00	0.00	0.00	0.00	0.00	0.00	PI18
08/28/09	11	0306			755.25	755.25	0.00	0.00	0.00	0.00	0.00	0.00	PI18
08/28/09	11	0309			2041.75	2041.75	0.00	0.00	0.00	0.00	0.00	0.00	PI18
08/28/09	11	0320			1833.00	1833.00	0.00	0.00	0.00	0.00	0.00	0.00	PI18
08/28/09	11	0410			281.75	281.75	0.00	0.00	0.00	0.00	0.00	0.00	PI18
08/28/09	11	0420			1575.50	1575.50	0.00	0.00	0.00	0.00	0.00	0.00	PI18
CLAIM TOTALS:					61124.01	82067.91	0.00	0.00	0.00	-21643.90	0.00	0.00	

## REMARK CODE DESCRIPTIONS:

CO45 - U&C-Charges exceed your contracted/legislated fee arrangement.  
CO94 - OTHERA-Processed in excess of charges.  
PI18 - Duplicate claim/service.  
PR150 - Payment adjusted because the payer deems the information submitted does not support

The contents of this page may have been modified to include additional

**CAUSE NO. 17-269305-13**

<p><b>TEXAS HEALTH RESOURCES,</b></p> <p style="padding-left: 40px;"><b>Plaintiff,</b></p> <p><b>VS.</b></p> <p><b>AETNA HEALTH INC.,</b></p> <p style="padding-left: 40px;"><b>Defendant.</b></p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p><b>IN THE DISTRICT COURT OF</b></p> <p><b>TARRANT COUNTY, TEXAS</b></p> <p><b>17th JUDICIAL DISTRICT</b></p>
--	--	---

---

**DEFENDANT AETNA HEALTH INC.'S  
ORIGINAL ANSWER**

---

FILED  
 TARRANT COUNTY  
 2013 DEC 13 PM 2:02  
 THOMAS A. WILDER  
 DISTRICT CLERK

Defendant Aetna Health Inc. files this Original Answer in response to Plaintiff's Original Petition filed by Texas Health Resources.

Defendant asserts a general denial as authorized by Rule 92 of the Texas Rules of Civil Procedure, reserving the right to amend its pleadings subsequently to present its special exceptions to the Plaintiff's Original Petition, its affirmative defenses, special denials, other pleas and defenses, and its own claims.

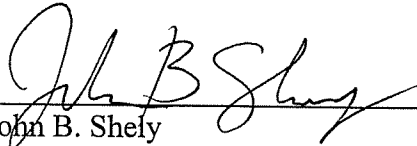
WHEREFORE, PREMISES CONSIDERED, Defendant prays that upon final hearing the Court enter judgment that Plaintiff take nothing and that Defendant be awarded its costs of court and such other and further relief to which it may be justly entitled.

**EXHIBIT**

**D**

Respectfully submitted,

ANDREWS KURTH LLP

By: 

John B. Shely

State Bar No. 18215300

*jshely@andrewskurth.com*

Dimitri Zgourides

State Bar No. 00785309

*dzgourides@andrewskurth.com*

Mitchell A. Reid

State Bar No. 24037346

*mitchreid@andrewskurth.com*

600 Travis Street, Suite 4200

Houston, Texas 77002

Telephone: (713) 220-4200

Telecopier: (713) 220-4285

**ATTORNEYS FOR DEFENDANT  
AETNA HEALTH INC.**

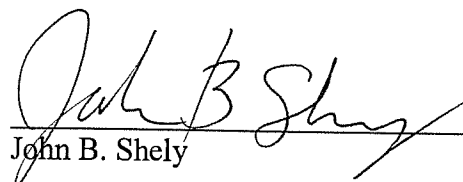
**CERTIFICATE OF SERVICE**

This document has been sent by United States mail, certified, return receipt requested, and via email on December 13, 2013, to the following counsel of record:

Mikal Watts  
William J. Maiberger, Jr.  
Watts Guerra, LLP  
4 Dominion Drive  
Building 3, Suite 100  
*mcwatts@wattsguerra.com*  
*wmaiberger@wattsguerra.com*

Mr. James M. Orr  
Mr. Bobby D. Amick  
Francis, Orr & Totusek, L.L.P.  
103 E. Virginia, Suite 203  
McKinney, TX 75070  
*jorr@fotllp.com*  
*bamick@fotllp.com*

Joseph V. Gibson, IV  
Law Office of Joseph V. Gibson, PC  
10330 Lake Road, Building X  
Houston, Texas 77070  
*jgibson@jvglaw.com*

  
John B. Shely